

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 6/23/2017

BOARD MEMBERS PRESENT: Mary Jo White, DC - Chair
Kathleen J McKay, DC, RN
Herbert W Oliver, DC
John Downey, DC

BOARD MEMBERS ABSENT: Charles H Coiner

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Mitchell Toryanski, Legal Counsel
Roger Hales, Naylor & Hales

OTHERS PRESENT: Sara Mathov, DC, MS, Associate
Vice President for University Operations,
University of Western States
Ryan Fitzgerald, Idaho Association of
Chiropractic Physicians (IACP)
Molly Steckel, Idaho Medical Association

The meeting was called to order at 1:00 PM MDT by Mary Jo White, DC.

APPROVAL OF MINUTES

Dr. Oliver made a motion to approve the minutes of 3/3/2017. It was seconded by Dr. McKay. Motion carried.

Dr. McKay made a motion to approve the minutes of 5/31/2017. It was seconded by Dr. Oliver. Motion carried.

EXECUTIVE ORDER

Ms. Cory reviewed the Executive Order issued by Acting Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Dr. Downey made a motion to authorize Dr. Oliver to work with Ms. Cory on a response and placing the information on the Board's website for public comment. It was seconded by Dr. McKay. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. The deadline to submit legislative ideas to the Governor's Office is July 14, 2016, and the deadline to submit proposed law and rule changes to the Governor's Office is August 18, 2016 for the 2018 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$91,788.55) as of 5/31/2017.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case numbers CHI-2017-6, and CHI-2017-7. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2016-6. Dr. McKay made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Oliver. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2017-4. Dr. Oliver made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. McKay. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case CHI-2017-5. Dr. Oliver made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Downey. Motion carried. Dr. Oliver made a motion to approve the continuing education course listed with the Stipulation and Consent Order. It was seconded by Dr. McKay. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Oliver made a motion to approve the Bureau's recommendation and authorize closure in case I-CHI-2017-18. It was seconded by Dr. McKay. Dr. White was recused. Motion carried.

Dr. McKay made a motion to approve the Bureau's recommendation and authorize reinstatement without restriction in case CHI-2015-3. It was seconded by Dr. Oliver. Motion carried.

Dr. Oliver made a motion to approve the Bureau's recommendation and authorize reinstatement without restriction in case CHI-2016-3. It was seconded by Dr. Downey. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

NEW BUSINESS

PROPOSED LAWS AND RULES FOR 2018 LEGISLATIVE SESSION

Mr. Hales reviewed the process of promulgating rules for the legislation passed by the 2017 Legislature.

UNIVERSITY OF WESTERN STATES' (UWS) CERTIFICATION COURSE PROPOSAL – DR. SARA MATHOV

Dr. Mathov reviewed the proposal and timing for the Board's approval of a practicum course to be offered by UWS to fulfill the requirements for certification in clinical nutrition in accordance with the legislation passed by the 2017 Legislature.

Mr. Hales discussed the standards for courses that would be set within the rules the Board is drafting. He also reviewed the deadlines and process for rules. Mr. Hales reviewed the draft rules with the Board. The Board agreed to have the subcommittee continue to work with interested parties (i.e. Idaho Association of Chiropractic Physicians, Idaho Medical Association, Idaho Board of Pharmacy, Idaho Board of Medicine, University of Western States, and others) on the proposed rules.

PUBLIC COMMENT

There were no further comments from the public.

CORRESPONDENCE – UWS, PRACTICUM IN INTRAVENOUS AND INJECTABLE NUTRIENT THERAPY

The Board reviewed the request from Dr. Haneline and agreed that it was answered in the discussion with Dr. Mathov.

CORRESPONDENCE – AMERICAN SPECIALTY HEALTH, CLINICAL NUTRITION CERTIFICATION

The Board reviewed the request from American Specialty Health regarding verification of Chiropractors who will be certified in clinical nutrition. The Board asked Ms. Toncray to respond that the Board is currently drafting rules, that American Specialty Health can follow the progress on the Board's website in the minutes, and that when the proposed rules are published, they will be posted on the Board's website.

FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) ANNUAL CONFERENCE – DISCUSSION/SPEC REQUIREMENT

The Board reviewed the highlights of the FCLB Annual meeting and agreed it would like to have future Board training for Board member attendance at such meetings.

BOARD ATTENDANCE AT NATIONAL MEETINGS/TESTING SITES

The Board reviewed the information and agreed it should also be within the training for each Board member. The Board will continue to review the information and update it for future Board trainings.

CORRESPONDENCE – FCLB PASSPORT PROGRAM

Dr. White reviewed the FCLB Passport Program which details the process of possible “reciprocity” of licensure through the FCLB with various states and countries.

CORRESPONDENCE – CONTINUING EDUCATION (CE) FOR NURSE PRACTITIONERS AND CHIROPRACTORS

The Board reviewed the correspondence which inquired about the possibility of allowing continuing education approved for nurse practitioners to be automatically approved for chiropractors. The Board agreed that when a Chiropractor takes CE courses which apply to other professions and do not meet the Board’s CE rules, the course should be submitted on the continued education approval form to the Board for its review in accordance with Rule 350 either by the provider or the Chiropractor. The Board will review and propose changes to the continued education approval form.

CORRESPONDENCE – AMERICAN CHIROPRACTIC COLLEGE OF RADIOLOGY (ACCR) SURVEY

The Board reviewed and discussed the survey. Dr. Oliver made a motion to have the Chair complete and sign the survey. It was seconded by Dr. Downey. Motion carried.

CORRESPONDENCE – NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) NEWSLETTER STATEMENT

The Board reviewed the information and no action was taken.

CORRESPONDENCE – PRACTICE QUESTION

The Board reviewed the question regarding the expectation of a patient’s privacy within a Chiropractic practice and recommended that the Chiropractor consult a private attorney.

CORRESPONDENCE – NBCE ELECTIONS AND DISTRICT OFFICERS

The Board reviewed the information and agreed that material regarding a national organization should be included within Board member training.

CORRESPONDENCE – CE CREDITS FOR OFFICIAL GUIDELINES

The Board reviewed the request for a blanket approval and waiver of fees for certain continuing education courses. The Board recommended to let the requestor know that he would need to complete the approved CE application form and that the Board would not waive any fees that would be associated with CE approval.

CORRESPONDENCE – PROVIDERS OF APPROVED CONTINUING EDUCATION (PACE) PROVIDERS

The Board reviewed the information and no action was taken.

CORRESPONDENCE – COUNCIL ON CHIROPRACTIC EDUCATION (CCE) ELECTIONS

The Board reviewed the information and no action was taken.

CORRESPONDENCE – CHIROPRACTIC TECHNICAL ASSISTANT (CTA) REQUIREMENTS

The Board reviewed the question and agreed to have Ms. Toncray send the requestor a copy of Rule 550 and let her know that there is no need to apply to be a CTA in Idaho.

CORRESPONDENCE – CAREER RESOURCE – CHIROPRACTIC STUDENTS

The Board reviewed the information and asked Ms. Toncray to respond that the Board does not place information for private entities on its website, and that the inquirer can obtain a list of licensees from the Board's website.

CORRESPONDENCE – FCLB POWER POLL – DRY NEEDLING AND TRAVEL QUESTIONS

The Board reviewed the information and asked Ms. Toncray to respond that the Idaho Board does not have specific rules regarding dry needling or percutaneous therapy. The Board discussed the question regarding Board travel outside the continental United States for Board business. Mr. Toryanski said that all travel is reviewed on a case-by-case basis.

CORRESPONDENCE – USW CE COURSE QUESTION

The Board reviewed the information and asked Ms. Toncray to send the recent laws passed in 2017 to the inquirer and to let him know the Board is currently working on the rules and he can follow the process within the minutes and that the rules will be posted on the Board's website when the process is complete.

CE COURSES

Dr. Downey made a motion to approve the one hour of CE for the 2017 IACP Annual Conference – Idaho Law Update and Idaho Insurance Update Presentation. It was seconded by Dr. Oliver. Motion carried.

The Board reviewed the laws and rules regarding the approval of continuing education, and agreed to table the following courses:

2017 IACP Annual Conference – Taking the Guesswork Out of Case Management by Establishing Your Baseline Criteria for Care

2017 California Chiropractor Association (CCA) Convention and Marketplace

EXECUTIVE SESSION

Dr. Oliver made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. McKay. The vote was: Dr. White, aye; Dr. Downey, aye; Dr. McKay, aye; and Dr. Oliver, aye. Motion carried.

Dr. Downey left at 5:35 PM MDT.

Dr. McKay made a motion to come out of executive session. It was seconded by Dr. Oliver. The vote was: Dr. White, aye; Dr. McKay, aye; and Dr. Oliver, aye. Motion carried.

APPLICATIONS

Dr. Oliver made a motion to approve the following for extension of the temporary Chiropractor permit for six months, refer him to Rule 552, and let him know he has six months to complete the Special Purposes Exam for Chiropractic (SPEC):

DCA-1750 Danny Dean Anderson

It was seconded by Dr. McKay. Motion carried.

Dr. Oliver made a motion to approve the following for licensure:

DCA-1755 John J. Gauruder

It was seconded by Dr. McKay. Motion carried.

NEXT MEETING was scheduled for August 11, 2017 at 10:00 AM MDT, with a subcommittee meeting on July 28, 2017, TBD.

ADJOURNMENT

Dr. Oliver made a motion to adjourn the meeting at 5:55 PM MDT. It was seconded by Dr. McKay. Motion carried.

Mary Jo White, DC, Chair

Kathleen J McKay, DC, RN

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief